

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

WAYNE HOLMES,

Plaintiff,

Civil No. 1:22-CV-00093 (AMN/MJK)

vs.

THE CITY OF ALBANY, ET AL.,

Defendants,

ORDER DISMISSING ACTION BY REASON OF SETTLEMENT

On March 31, 2025, Plaintiff advised the Court that a settlement has been reached between the parties in this matter. Dkt. No. 33. Upon review of the record, it appears that no infant or incompetent is a party to this action. Accordingly, it is hereby

ORDERED that this action is **DISMISSED** in its entirety, without costs, and **without prejudice** pursuant to the procedure as set forth in L.R. 68.1(a) of the Local Rules of this court. This order is issued without prejudice to the right of the parties to secure reinstatement of the case within sixty (60) days after the date of this order by making a showing that the settlement was not, in fact, consummated; and in the event that no motion is made for reinstatement within sixty (60) days of the date of this order, the dismissal of this case shall thereafter be **with prejudice**. Any application to reopen filed after the expiration of that sixty (60) day period may be summarily denied solely on the basis of untimeliness, unless the time period is extended by the Court prior to its expiration.

If the parties wish for the Court to retain ancillary jurisdiction for the purpose of enforcing any settlement agreement, they must submit a request that the Court retain jurisdiction over enforcement of the agreement or submit the agreement to the Court for incorporation of its terms into an Order retaining jurisdiction within the above-referenced sixty (60) day period for reopening the matter.

The Clerk of the Court is directed to close this case.

SO ORDERED

Dated: April 4, 2025
Albany, NY

Anne M. Nardacci
Anne M. Nardacci
U.S. District Judge